

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-214440

DATE: June 20, 1984

MATTER OF: Evergreen Air Center, Inc.

DIGEST:

GAO will not consider a protest where the material issues are before a court of competent jurisdiction which has not expressed an interest in receiving GAO's decision.

Evergreen Air Center, Inc. (Evergreen), protests the award of contract No. F04606-84-C-0299 by the Department of the Air Force (Air Force) to any firm other than Evergreen. Evergreen protests that the Air Force's award was improper because it was not made to the low qualified bidder, because it was made on a "sole source" basis, and because the contracting office dealt unfairly with Evergreen during the contracting process.

While the protest was pending with our Office, Evergreen filed suit against the government in the United States District Court for the Eastern District of California (Civil Action No. S-84-0276). The bases for that lawsuit are substantially the same as those presented to our Office in the protest.

It is the policy of our Office not to decide protests where the material issues are pending before a court of competent jurisdiction unless the court requests, expects or otherwise expresses an interest in our decision. 4 C.F.R. § 21.10 (1983); CACI, Inc., B-210246, February 1, 1983, 83-1 CPD 113. The court has not expressed any interest in our decision in this matter.

Therefore, the protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

029225